

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**ASTELLAS INSTITUTE FOR
REGENERATIVE MEDICINE, and
STEM CELL & REGENERATIVE
MEDICINE INTERNATIONAL,
INC.,**

Plaintiffs,

v.

**IMSTEM BIOTECHNOLOGY,
INC., XIAOFANG WANG, and
REN-HE XU,**

Defendants.

Civil Action No. 1:17-cv-12239-ADB

Hon. Allison D. Burroughs

PLAINTIFFS' ASSENTED-TO MOTION TO MODIFY SCHEDULING ORDER

Pursuant to Rule 16.1(g) of the Local Rules of the United States District Court for the District of Massachusetts, Plaintiffs Astellas Institute for Regenerative Medicine (“Astellas”) and Stem Cell & Regenerative Medicine International, Inc. (“SCRMI”) (collectively “Plaintiffs”) hereby move to modify the Schedule Order entered in this case (Dkt. 44) to extend the close of fact discovery by eight weeks and adjust the subsequent deadlines accordingly. Defendants ImStem Biotechnology, Inc. (“ImStem”), Xiaofang Wang, and Ren-He Xu (collectively, “Defendants”) assent to this motion.

This is a patent inventorship dispute under 35 U.S.C. § 256, with additional state law claims under Massachusetts state tort law and Massachusetts General Laws c. 93A, §§ 1 and 11. The dispute involves highly technical matters relating to patented mesenchymal stem cell inventions.

Fact discovery is currently scheduled to end in one month (Dkt. 44). Despite the parties' diligent, good-faith efforts, the parties need more time than originally anticipated to properly complete document production, discovery requests, and depositions of fact witnesses. The parties have already served and responded to document requests, Plaintiffs have served interrogatories, and both parties have produced documents. However, much remains to be done before the close of fact discovery, and neither party has finished producing documents.

The Court previously granted a 21-day extension of time for Defendants to respond to Plaintiffs' Requests for Production of Documents (Dkt. 46) but did not extend the fact discovery deadline at that time. Due to the previous delay as well as the nature of discovery required in this highly technical dispute, Plaintiffs hereby request that the Court extend the deadline for the close of fact discovery by eight weeks to May 3, 2019 and adjust the subsequent deadlines accordingly.

Plaintiffs respectfully request an extension of the current deadlines to the following, and a proposed order reflecting the modified schedule is attached hereto as Exhibit A.

Event	Current Deadline	Revised Deadline
Close of fact discovery	March 8, 2019	May 3, 2019
Expert disclosures	April 12, 2019	June 7, 2019
Rebuttal reports	May 17, 2019	July 12, 2019
Expert depositions	June 7, 2019	August 2, 2019
Status conference	March 12, 2019 at 3:30 pm	May 7, 2019, or such date as would be convenient to the Court in May

Date: February 11, 2019

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LOCAL RULE 7.1 CERTIFICATION

I, Charles Sanders, counsel for Astellas, hereby certify that we have conferred with counsel for ImStem, Xiaofang Wang, and Ren-He Xu to resolve or narrow the issues presented in this motion.

Date: February 11, 2019

/s/ Charles H. Sanders
Charles H. Sanders (BBO 646740)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Date: February 11, 2019

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